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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,306	09/09/2003	Nancy L. Saxon	60,130-1626; 02MRA0440	2157
26096	7590	01/05/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/658,306

Applicant(s)

SAXON ET AL.

Examiner

Ruth Ilan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/9/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species IV- Figure 7 in the reply filed on 12/08/05 is acknowledged. Claims 1-13 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Drawings***

2. The drawings are objected to because in Figure 7, the lead line for reference number "60" is misdirected (see paragraph 27 of the specification.) Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: In the last line of paragraph [27] 42' should be 32'.

Appropriate correction is required.

***Claim Objections***

4. Claims 14, 17 and 20 are is objected to because of the following informalities: In claim 14, line 4, "portion" should be "portions". In claim 17, line 2, "said plate" should be "said first plate". In claim 20, line 2, the first instance of "portion" should be "portions".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 18, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 18, "a lateral portion" extending in opposing directions is confusing, because there are two portions that extend in opposing directions, it is unclear how a portion can oppose itself. The same confusion occurs in claim 20, with " a second lateral portion extending in opposing directions". Claim 19 recites "said lateral portions of said plates". The claim lacks antecedent basis

for this limitation. In claim 20, "said continuous wall includes forming" is grammatically very confusing.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 14, 16, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Christenson (US 5,067,740.) Please see the examiner annotated Figure 10 from Christenson. Christenson teaches a suspension slider (70) for a vehicle trailer (30) including first and second spaced apart longitudinal members (marked A in Figure 10) with a structure forming a continuous horizontal wall that interconnects the first and second longitudinal members and has first and second angled portions (B) converging to a central portion (C- portion of rear lateral member with central oval hole in it) and two lateral portions extending from the central portion (D- each of two sides of the lateral member with two oval holes each in them.) Regarding claim 20, third and fourth angled portions converge to a second central portion (F) and the second central portion has second lateral portions extending in opposing directions (G.)

9. Claims 14, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Robey (US 4,919,445) Robey teaches a suspension slider (22- See Figure 2) for a vehicle trailer (10) including first and second spaced apart longitudinal members (marked A in Figure 10) with a structure forming a continuous horizontal wall that

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interconnects the first and second longitudinal members and has first and second angled portions (38) converging to a central portion (middle of central lateral beam shown in Figure 2) and two lateral portions extending from the central portion (two sides of lateral beam coming off the central portion.)

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robey (US 4,919,445) in view of Garcia (US 5,722,688.) Robey is discussed above and does not teach braces secured between the lateral portions and the longitudinal members. Garcia teaches that it is well known in the frame construction art to provide braces between lateral cross members and longitudinal members (see Figure 1 and col. 5, line 25) used to strengthen the connection between the lateral and longitudinal members. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the slider of Robey, in view of the teaching of Garcia in order to include gussets or braces in order to strengthen the connection between the two members.

12. Claim ~~19~~<sup>17</sup> is rejected under 35 U.S.C. 103(a) as being unpatentable over Christenson (US 5,067,740) in view of Garcia (US 5,722,688) Christenson is discussed above, and is silent regarding the construction of the slider. Christenson does indicate

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that it is contemplated to form trailer frames from two plates (trailer 30 is formed from plates 46 and 47 connected by vertical web 48, see Figure 5.) Garcia teaches that such a construction is useful because it is strong and simple to manufacture (see col. 5, lines 30-45 and Figure 2) It would have been obvious to one having ordinary skill in the art at the time of the invention to construct the trailer of Christenson in the manner taught by Garcia, and such include first and second plates and a vertical member between them, because, as taught by Garcia, such a construction is strong and simple to manufacture.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bower teaches a slider frame of interest.

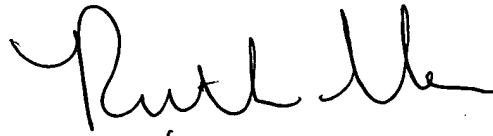
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

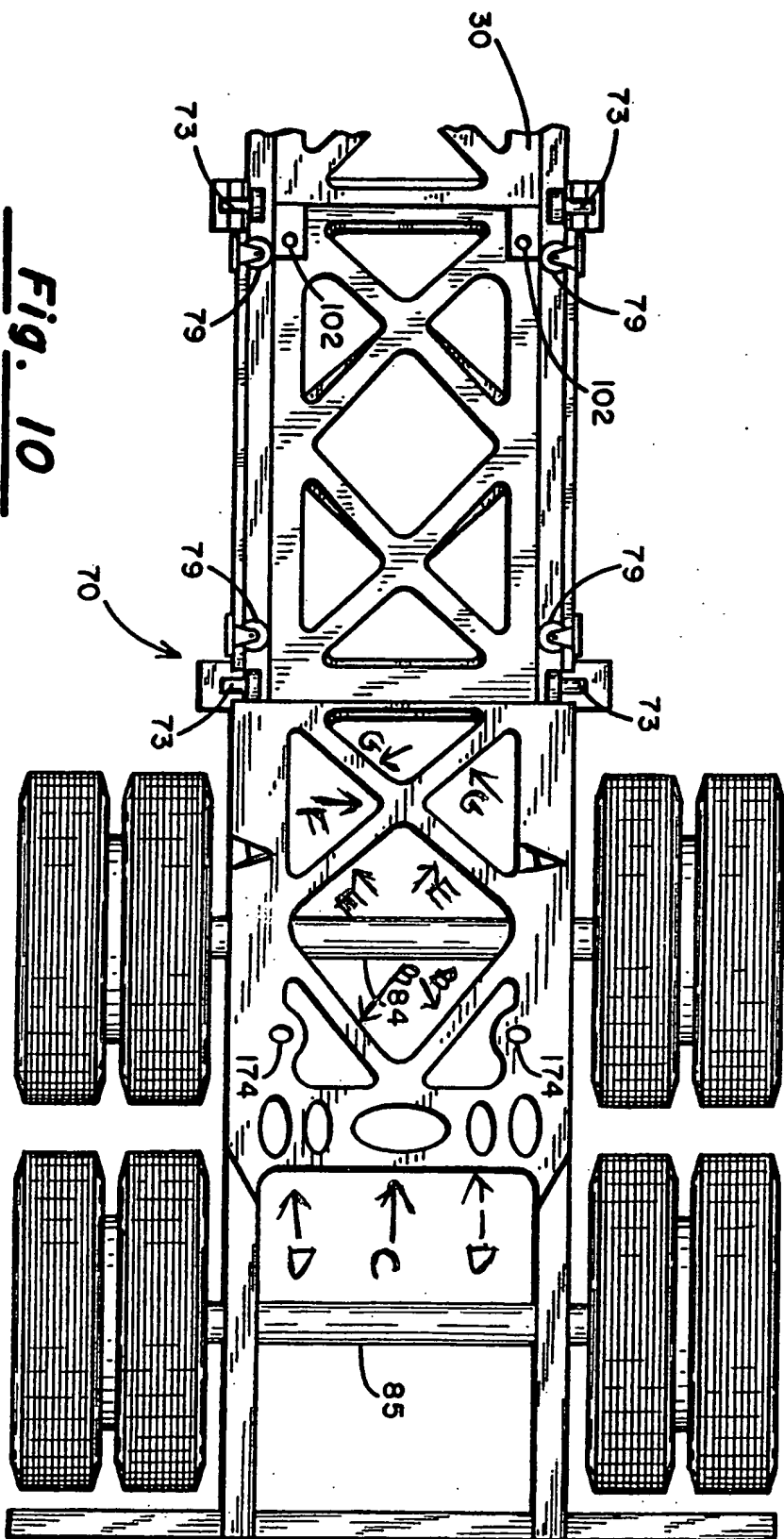
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan  
Primary Examiner  
Art Unit 3616

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**Fig. 10**